

ZONING AND ADJUSTMENT BOARD

September 15, 2003

The Zoning and Adjustment Board of Sumter County, Florida convened on Monday, September 15, 2003 at 6:35 P.M. with the following members present: Chairman Larry Story, Dave Pierazek, Rusty Mask, Todd Brown, Lamar Parker, Mark Caruthers, Dossie Singleton, Rodney Caruthers, and Richard Bradley. Frank Topping, Dale Nichols, and Evan Merritt were absent. Terry Neal, Board Attorney, was present. Roberta Rogers, Director of Planning & Development, and Aimee Webb, Board Secretary, were present.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Story welcomed new Board member, Rodney Caruthers and welcomed Mr. Bradley for his return to the Board.

Mr. Bradley made a motion to approve the minutes from the ZAB Meeting on September 2, 2003. Mr. Pierazek seconded the motion and the motion carried.

Mr. Story presented the Proof of Publication.

03B-5

The Villages of Lake-Sumter, Inc.

Mr. Caruthers declared a conflict of interest. Mr. Sullivan, representative for the applicant, was present and requesting approval for the transmittal of a large scale comprehensive plan amendment from agricultural to commercial on 138.28 acres MOL and creation of a new Urban Development Area to the Department of Community Affairs for the Objection, Recommendation and Comments report (ORC report). There were no objections from the audience.

Mr. Sullivan stated the subject property is located adjacent to the proposed I-75 interchange at the C-466 and C-475 intersection in Oxford. Mr. Sullivan stated the new interchange would reduce the traffic on US 301 and provide direct access to the Tri-County Villages, Villages of Sumter, Villages of Marion, and Orange Blossom Gardens. Mr. Sullivan showed the Board a diagram reflecting the proposed interchange area in regards to the subject property.

Mr. Sullivan stated the proposed uses would include a welcome center, convenience stores, restaurants, farmers market, RV Park, fruit stand and hotel. The proposed development projects would total 200,000 square feet and included some wetlands but will be out of the floodplains. Mr. Sullivan stated fire services and law enforcement would be provided by Sumter County and utilities (wastewater and water) provided by Little Sumter Utilities.

Craig Martin, surrounding property owner not in opposition, was concerned about whether the sewer services would be available to the public, if the surrounding properties

would be required to connect to those services, and if so who would govern the charges for connection. Mr. Sullivan stated the utilities would only service the interchange development at this time and Mr. Martin should contact John Parker or Pete Wahl regarding future expansion for the utilities.

Mr. Martin questioned whether C-466 would be widened west of US 301 to the interchange. Mr. Martin also questioned whether C-466 at the curve southeast of the interchange area would be re-aligned due to the frequency of traffic accidents. Richard Barr, Kimley-Horn, acting in an official capacity for the applicant stated the alignment was not supposed to change and additional lanes would be provided near the interchange then converts back to two lanes.

Mrs. Rogers stated the Florida Department of Transportation (FDOT) requests a worst-case scenario for the traffic impact. Mr. Sullivan stated the traffic analysis was done for 200,000 square feet of the total requested acreage and any additional development would have to be justified.

Mr. Brown questioned the estimated traffic count. Mr. Barr stated during peak hours it would be less than 1000 trips with no adverse impacts to the surrounding areas. There were no further questions or discussion from the Board.

Mr. Brown made a motion to recommend approval of the transmittal request to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Parker seconded the motion and the motion carried.

ZP2003-83

Robert Strickland

Mr. Bradley made a motion to remove the case from the table. Mr. Parker seconded the motion and the motion carried.

Robert Strickland was present and requesting a rezoning for from C2 and M1 to CH on 6.90 acres MOL. There were eight notices sent. Of the eight notices sent, none were received in favor and none in objection. There were no objections from the audience. Mrs. Webb explained the memo from Marge Thies regarding the configuration of the acreage on the survey, provided by Mr. Strickland, as discussed with Douglas Hunt, Hunt's Surveying and Mapping, and that Mr. Strickland was aware of the determination. There were no further questions or discussion from the Board. Mr. Parker reiterated to Mr. Strickland that the zoning change would require the loss of the junkyard license, in which Mr. Strickland stated he was aware of the situation. Mr. Caruthers made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

R2003-0001

David & Diana Ernst

Joel Merritt, representative for the applicants, was present and requesting a rezoning from R1A to R6M on two vested lots of record. There were twelve notices sent. Of the twelve notices sent, two were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Caruthers made a motion recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

R2003-0003

Carl Stephens, Etal

Mr. Bradley made a motion to table the case until the October 6th Zoning and Adjustment Board meeting due to no representation for the case. Mr. Pierazek seconded the motion and the motion carried.

R2003-0004

Bruce & Betty Merritt

Betty Merritt was present and requesting a rezoning from A5 and to RR5 on 6 acres MOL. There were six notices sent. Of the six notices sent, one was received in favor and none in objection. There were no objections from the audience. Mrs. Merritt stated the purpose of the rezoning was to remove the residence and install a mobile home or build an addition to the existing residence. There were no further questions or discussion from the Board. Mr. Caruthers made a motion to approve the rezoning request to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

V2003-0001

Edith Garcia

Fred Garcia, representative for the applicant, was present and requesting a variance on 2.45 acres MOL to allow a 73.82' width instead of a 100' width as required by the Land Development Code. There were five notices sent. Of the five notices sent, none were received in favor and four in objection. There were several audience members requesting to speak in objection: Carolyn Blanton, Harold Kirchner, and Michael Huff. Mrs. Webb gave the Board background regarding the creation of the parcel. The letters of objection were read into the record. Mr. Garcia stated the property was a scratch and dent and would like to correct the zoning. The objections from the audience were as follows: preservation of a rural/country atmosphere, and they did not want a small tract with a mobile home when everyone else was required to comply with the acreage density. Mr. Brown stated he had a conflict of interest due to the seller being his father-in-law. There were no further questions or discussion from the Board. Mr. Parker made a motion to deny the requested variance based on the information provided in the staff report. Mr. Singleton seconded the motion and the motion carried.

R2003-0002

Edith Garcia

This case was filed as a companion case to the above requested variance. Due to the variance request denied, there was no action taken on this case.

T2003-0001

Robert & Barbara Fuchs

Mr. and Mrs. Fuchs were present and requesting a renewal of a Temporary Use Permit for one year to allow a fifth wheel as a temporary residence while the permanent residence is under construction. There were three notices sent. Of the three notices sent, one was received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Singleton made a motion to approve the requested renewal for the Temporary Use Permit based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

T2003-0002

Robert & Jaye Godin

Robert Godin was present and requesting a renewal of a Temporary Use Permit for one year to allow a mobile home as a temporary residence while the permanent residence is under construction. There were eight notices sent. Of the eight notices sent, none were received in favor and none in objection. There were no objections from the audience. The Board had concerns as to the limited construction of the residence. Mr. Godin explained they were making repairs to their Orlando residence to put it up for sale. Mr. Caruthers made a motion to approve the requested renewal for the Temporary Use Permit based on the information provided in the staff report. Mr. Pierazek seconded the motion and the motion carried.

T2003-0003

William & Ruth Nichols

Mr. Nichols was present and requesting a Temporary Use Permit for three years to allow a mobile home on the property for a caregiver's residence for both applicants. There were seven notices sent. Of the seven notices sent, none were received in favor and none in objection. There were no objections from the audience. Mr. Caruthers made a motion to approve the requested Temporary Use Permit based on the information provided in the staff report. Mr. Parker seconded the motion and the motion carried.

T2003-0004

Shirley Rhoton & Maysie Krickler

Mabry Williams, representative for the applicant, was present and requesting a Temporary Use Permit for three years to allow a mobile home on the property for a caregiver's residence. There were six notices sent. Of the six notices sent, none were received in favor, three in objection, and a signed petition of opposition. There was one objection from the audience: Kim Theige. The letters of opposition were read into the record. Mr. Williams stated Ms. Rhoton and Ms. Krickler submitted the application on behalf of the Rayburns, who are now the property owners. Ms. Theige stated she objected the case due to the proposed location for the mobile home being the front yard. Mr. Williams submitted pictures and a detailed drawing of the surrounding properties and

existing uses. Mr. Williams also submitted a site plan reflecting the location of the mobile home being located behind the existing residence in the backyard. Mrs. Rogers explained to the Board the request was less detrimental to the property than a lineal transfer due to the use being temporary where a lineal transfer would be permanent and allow the mobile home. Mr. Caruthers made a motion to approve the requested Temporary Use Permit based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

03B-1

Board of Sumter County Commissioners

Mrs. Rogers requested approval to transmit changes to the Sumter County Comprehensive Plan to the Florida Department of Community Affairs for their ORC report. The changes include both text and map amendments. The map amendments change the land use of property annexed into the cities to Municipalities. The text amendments in the Traffic Element are to the levels of service for several roadways in developing areas. The text amendments in Future Land Use clarify Master Planned Development policies. Data and analysis on population projections are underway and will require a delineation of additional residential lands that need to be allocated into the current Comprehensive Plan. Mr. Caruthers made a motion to approve the transmittal of the requested application to the Board of Sumter County Commissioners based on the information in the staff report. Mr. Bradley seconded the motion and the motion carried.

Mr. Caruthers made a motion to adjourn the meeting. Mr. Brown seconded the motion and the motion carried.

The meeting adjourned at 8:01 p.m.

Chairman
Zoning & Adjustment Board